

Message Text

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ACTION L-03

INFO OCT-01 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01 IO-14

ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00

NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19 SY-10

CPR-02 A-01 USSS-00 SCA-01 DRC-01 FBIE-00 /198 W

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P R 152151Z OCT 73

FM USMISSION USUN NEWYORK

TO AMEMBASSY BONN PRIORITY

SECST-TE WASHDC 210

INFO AMEMBASSY LONDON

C O N F I D E N T I A L USUN 3934

LONDON FOR NELSON

E.O. 11652: GDS

TAGS: UNGA, PINS, GW

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

REF: (A) BONN 14934; (B) USUN 3897; (C) USUN 3673;

(D) STATE 198026; (E) USUN 3610; (F) USUN 3578

1. IN VIEW OF OUR UNDERSTANDING PER REFS (B) AND (C), WE CONSIDER HOFFMANN'S INSISTENCE ON NECESSITY OF CLAUSE TRANSMITTED PARA 3 OF REF (A) DISTRESSING. ON OCT 3, WHEN WE SENT REF (E), WE WERE UNCERTAIN WHETHER FRG WOULD STICK BY THE POSITION IT ANNOUNCED OCT 1, REPORTED PARA 2 OF REF (F). ON OCT 5, HOWEVER, AT VAN BRUSSELEN GROUP MTG REPORTED REF (C), FRG WENT ALONG WITH DECISION TO INCLUDE NEITHER REPEAT NEITHER "MOTIVE" NOR "KNOWLEDGE". US WAS HAPPY WITH THIS RESULT, BUT HAD DOUBTS FRG AND JAPAN WOULD IN FACT ABIDE BY THIS AGREEMENT. AS IT TURNED OUT, JAPAN SUBMITTED SEPARATE AMENDMENT REQUIRING THAT ALLEGED OFFENDER KNOW OR HAD REASON TO KNOW OF OFFICIAL STATUS OF VICTIM. IN LEGAL COMITE, US SAID
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WE THOUGHT THIS AMENDMENT UNNECESSARY AND ARGUED AGAINST

ITS ADOPTION. HOWEVER, WE DO NOT THINK IF IT ACCEPTED IT WOULD WRECK CONVENTION. WE HOPE THAT IN NO CASE WILL GERMANS ATTEMPT TO ACHIEVE STRONGER MOTIVE LINK THAN WOULD BE ACHIEVED BY JAPANESE AMENDMENT.

2. WE REQUEST THAT AMEMBASSY BONN MAKE ALL EFFORTS TO DISSUADE HOFFMANN FROM INSTRUCTING FRG DEL TO INTRODUCE NEW AMENDMENT BRINGING IN MOTIVE ELEMENT ALONG LINES DESCRIBED REF (A). ARGUMENTS ARE CONTAINED IN REFTELS. FYI. WEOS SEEKING DELETION OF LANGUAGE REQUIRING SEVERE PENALTIES "TAKING INTO ACCOUNT AGGRAVATED NATURE OF THE OFFENSE," WHICH WOULD IMPLY PENALTY FOR KILLING DIPLOMAT SHOULD BE HARSHER THAN FOR KILLING OTHERS. END FYI.

3. AT THIS STAGE, LEGAL COMITE IS ALMOST FINISHED WITH DEBATE ON ARTICLE 2 AND WILL THEN SUBMIT MATTER TO DRAFTING COMITE. IT WOULD SURELY CAUSE SERIOUS DIFFICULTIES IF ON OCT 16, LAST DAY OF LEGAL COMITE DEBATE ON ARTICLE 2, GERMANS PUT IN NEW AMENDMENT. YOU SHOULD MAKE CLEAR THAT AFTER OCT 16, THERE WILL BE NO APPROPRIATE TIME FOR FRG TO PUT IN AMENDMENT WITHOUT REOPENING MATTERS ALREADY COMPLETED. ENSURING MOST SERIOUS DISRUPTION OF WORK ON CONVENTION.

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